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REPORT OF THE AD HOC GROUP ON THE BERLIN MANDATE ON THE WORK OF ITS FIFTH SESSION, GENEVA, 9-12 DECEMBER 1996

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I. OPENING OF THE SESSION
(Agenda item 1)

1. The fifth session of the Ad Hoc Group on the Berlin Mandate (hereinafter referred to as "the AGBM") was held at the Palais des Nations, Geneva, from 9 to 12 December 1996.

2. The Chairman of the AGBM, Ambassador Raúl Estrada-Oyuela, opened the session on 9 December 1996. In welcoming the participants, he recalled that only four sessions remained for the AGBM to complete the Berlin Mandate entrusted to it. The Chairman encouraged Parties to grasp the opportunity to begin to cut down on the number of options under discussion on policies and measures, quantified emission limitation and reduction objectives (QELROs) and other issues before the AGBM. Referring to the Synthesis of proposals by Parties (FCCC/AGBM/1996/10), the Chairman noted that this document highlighted some similarities between different options proposed by Parties, as well as revealing remaining areas of divergence. He concluded by expressing the hope that the Synthesis of proposals would help guide the work of the AGBM at its fifth session.

3. The Executive Secretary welcomed all participants to the session. He noted with satisfaction that Parties are giving increasing thought to the specific content of their proposals. In this context, he observed that the Synthesis of proposals provides the AGBM with a clear direction on how its work should proceed. The Executive Secretary informed the AGBM of changes regarding procedures for the preparation of documentation and reported on the challenges faced by the secretariat in its new location in Bonn.

4. Professor Bert Bolin, Chairman of the Intergovernmental Panel on Climate Change (IPCC), addressed the AGBM on the newly-issued IPCC Technical Paper entitled "Technologies, policies and measures for mitigating climate change", and highlighted for the AGBM aspects of the IPCC Second Assessment Report which he wished personally to emphasize. Professor Bolin informed the AGBM that two more technical papers would be issued in early 1997 and regretted that these were not yet available to the Group. After discussing different emission limitation and stabilization options, as well as the various policies and measures open to Parties to achieve these, Professor Bolin concluded by expressing the hope that his observations were useful to the AGBM in its deliberations.

5. In thanking Professor Bolin for his statement, the Chairman expressed the gratitude of the Group for his valuable contribution as Chairman of the IPCC to the work of the AGBM.

6. At the 3rd meeting, on 10 December, statements were made on behalf of environmental non-governmental organizations and by a representative of local governments.

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

7. The AGBM, at its first meeting, on 9 December, adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of the work of the session;

   (c) Organization of the work of future sessions.

3. Strengthening the commitments in Article 4.2(a) and (b):

   (a) Policies and measures;

   (b) Quantified emission limitation and reduction objectives within specified time-frames.

4. Continuing to advance the implementation of existing commitments in Article 4.1.

5. Possible features of a protocol or another legal instrument.

6. Report on the session.

B. Organization of the work of the session
(Agenda item 2(b))

8. At the 1st meeting of the AGBM, on 9 December, the Chairman recalled that there would be services available for 10 meetings, with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. The AGBM accepted the Chairman's proposals to hold an informal round table on proposals from Parties, and an informal consultation on the possible impacts on developing country Parties of the new commitments by Annex I Parties to limit and reduce emissions.

9. The informal round table, chaired at the invitation of the Chairman by the AGBM Vice-Chairman, Mr. Suphavit Piamphongsant, was held on the afternoon of 9 December. It was designed to promote the exchange of information on proposals submitted by Parties thus far, with an emphasis on those proposals submitted since the fourth session of the AGBM. These proposals are contained in document FCCC/AGBM/MISC.2 and Add. 1-4. The round table was very well attended, and a lively and productive exchange of views took place. The chairman's report is included in annex II below.

10. An informal consultation was convened by the Chairman on the subject of the possible impacts on developing country Parties of the new commitments by Annex I Parties to limit and reduce emissions. After a productive consultation, the Chairman concluded by welcoming offers to submit proposals on how to accommodate the concerns of developing country Parties in the protocol or another legal instrument to be adopted at the third session of the Conference of the Parties, and noted that further studies should be available on this issue by the seventh session of the AGBM.

C. Organization of the work of future sessions
(Agenda item 2 (c))

11. At the 1st meeting of the AGBM, on 9 December, the Chairman reported on the schedule of meetings of Convention bodies as decided by the Bureau of the Conference of the Parties. The sixth session of the AGBM will be held from 3 to 7 March 1997 in Bonn, with subsequent sessions to be organized within the following periods:

Seventh session	28 July - 7 August 1997	Bonn
Eighth session	20 - 31 October 1997	Bonn

The terms of the Berlin Mandate will be fulfilled at the third session of the Conference of the Parties (COP 3), to be held at Kyoto, Japan, within the period 1 to 12 December 1997.

D. Attendance

12. The lists of attendance at the fifth session of the AGBM are given in document FCCC/1996/INF.5.

E. Documentation

13. The documents prepared for the AGBM at its fifth session are listed in annex I below.

III. STRENGTHENING THE COMMITMENTS IN ARTICLE 4.2(A) and (B) (Agenda item 3)

A. Policies and measures (Agenda item 3 (a))

1. Proceedings

14. The AGBM considered this matter at its 2nd meeting, on 10 December. Statements were made by representatives of 28 Parties, including one speaking on behalf of the European Community and its member States, one speaking on behalf of the Group of 77 and China, and one speaking on behalf of the Alliance of Small Island States (AOSIS).

15. The Chairman of the Annex I Experts Group on the United Nations Framework Convention on Climate Change, Mr. Ian Pickard (United Kingdom of Great Britain and Northern Ireland), made a statement with regard to the work of that group.

2. Conclusions

16. The conclusions for this item are given in paragraph 23 below.

B. Quantified emission limitation and reduction objectives within specified time-frames (Agenda item 3 (b))

1. Proceedings

17. The AGBM considered this matter at its 3rd meeting, on 10 December. Statements were made by representatives of 22 Parties, including one speaking on behalf of the European Community and its member States, and one speaking on behalf of AOSIS.

2. Conclusions

18. The conclusions for this item are given in paragraph 23 below.

IV. CONTINUING TO ADVANCE THE IMPLEMENTATION OF EXISTING COMMITMENTS IN ARTICLE 4.1

(Agenda item 4)

1. Proceedings

19. The AGBM considered this matter at its 4th meeting, on 11 December. Statements were made by representatives of 21 Parties, including one speaking on behalf of the Group of 77 and China, and another speaking on behalf of the European Community and its member States. A statement was also made by a representative of a State not party to the Convention.

2. Conclusions

20. The conclusions for this item are given in paragraph 23 below.

V. POSSIBLE FEATURES OF A PROTOCOL OR ANOTHER LEGAL INSTRUMENT

(Agenda item 5)

1. Proceedings

21. The AGBM considered this matter at its 4th and 5th meetings, on 11 and 12 December. Statements were made by representatives of 29 Parties, including one speaking on behalf of the European Community and its member States, one speaking on behalf of the Group of 77 and China, one speaking on behalf of AOSIS, and one speaking on behalf of the African Group.

2. Conclusions

22. The conclusions for this item are given in paragraph 23 below.

VI. CONCLUSIONS TO AGENDA ITEMS 3, 4 AND 5

23. On the basis of a proposal from the Chairman, the AGBM, at its 6th meeting, on 12 December 1996:

(a) Reiterated that the protocol or another legal instrument to be adopted by the Conference of the Parties at its third session should implement fully the terms of the Berlin Mandate, and underlined that the Berlin Mandate process will not introduce any new commitments for Parties not included in Annex I, but will reaffirm existing commitments in Article 4.1, and continue to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4.3, 4.5 and 4.7;

(b) Requested the Chairman, assisted by the secretariat, to prepare a framework compilation, incorporating textual proposals from Parties as well as other proposals from Parties for the elements of a protocol or another legal instrument and identifying the sources. This paper will receive in-depth consideration, and serve as a basis for further proposals from Parties at and following the sixth session, bearing in mind the need to circulate a text in all the official languages of the United Nations by 1 June 1997;

(c) Invited Parties to submit further proposals, especially proposals incorporating draft text for the instrument, and requested the secretariat to issue such proposals in a miscellaneous document in accordance with the usual practice. Proposals received by 15 January 1997 would be taken into account in the preparation of the framework compilation requested in subparagraph (b) above; and

(d) Further requested the Chairman to explore with interested delegations the concept of differentiation and criteria for differentiation as applicable to Annex I Parties with a view to analysing and applying a number of parameters and bringing the results to an informal round table on the subject to be convened at the sixth session.

VII. REPORT ON THE SESSION
(Agenda item 6)

24. At the 6th meeting, on 12 December, the Group accepted a proposal from the Chairman and requested the Rapporteur, under the guidance of the Chairman and with the assistance of the secretariat, to complete the report of the session, taking into account the discussions of the AGBM, the conclusions on agenda items 3, 4 and 5, and the need for editorial adjustments.

25. Before concluding, the Chairman noted that considerable progress had been achieved at this session. The shared willingness to progress towards a positive outcome had strengthened. Some common ground had been established, initially in informal discussions between the Chairman and representatives of delegations, and then in the meetings. This

suggested that at the next session, with the help of the framework compilation to be prepared by the Chairman, the AGBM could look forward to more concrete discussions and to developing a negotiating text. Whilst fully mindful of the difficulties which lay ahead, the Chairman expressed his optimism that the spirit of the Group promised a successful outcome for the negotiations. With this, and after thanking all participants for their constructive cooperation, the Chairman declared the fifth session of the AGBM closed.

Annex I

DOCUMENTS BEFORE THE AD HOC GROUP ON THE BERLIN MANDATE AT ITS FIFTH SESSION

FCCC/AGBM/1996/8	Report of the Ad Hoc Group on the Berlin Mandate on the work of its fourth session, Geneva, 11-16 July 1996
FCCC/AGBM/1996/9	Provisional agenda and annotations
FCCC/AGBM/1996/10	Synthesis of proposals by Parties
FCCC/AGBM/1996/MISC.2 and Add.1-4	Implementation of the Berlin Mandate: proposals from Parties
FCCC/CP/1996/15 and Add.1	Report of the Conference of the Parties on its second session, held at Geneva from 8 to 19 July 1996

Annex II

REPORT FROM THE CHAIRMAN OF THE INFORMAL ROUND TABLE ON PROPOSALS FROM PARTIES

by Mr. Suphavit Piamphongsant, Vice-Chairman of the Ad Hoc Group on the Berlin Mandate

I would like to report to you briefly on the informal round table on proposals from Parties which I had the pleasure of chairing. Presentations were made by 13 Parties on the proposals they had submitted to the secretariat. These were: Australia, Gambia, Ireland (on behalf of the European Community and its member States), Japan, New Zealand, Norway, Russian Federation, Samoa (on behalf of AOSIS), Saudi Arabia, Switzerland, United Kingdom, United States of America and Zaire. The proposals presented can be found in full in document FCCC/AGBM/1996/MISC.2 and Add.1-4. My remarks are focused upon the ensuing discussion.

The round table was very well attended and a lively exchange of views took place in an informal atmosphere. I was particularly pleased that debate focused on concrete issues and specific proposals. A notable feature of the round table was the number of interesting new ideas which were presented and discussed. Concern was expressed, however, about what could be achievable in the time available.

On the subject of policies and measures, discussion focused both on the merits of specific policies and measures and how these might be organized in a protocol or another legal instrument. The possibility of raising carbon charges or taxes was mentioned, as was the potential for a producer tax on fossil fuels. The reduction of fossil fuel subsidies was also supported by a number of Parties. The elaboration of policies and measures through listing in annexes was a common theme in the debate, although opinions continued to differ on whether these should be mandatory or based on a 'menu' approach.

Debate over QELROs elicited some interesting ideas, particularly on the distribution, and methods of implementation, of commitments. Regarding distribution, some Parties expressed the view that differentiation of commitments among Annex I Parties should be pursued in order to ensure the equity and cost-effectiveness of QELROs. A wide range of indicators were put forward to determine the distribution of commitments in a differentiated regime. Other Parties, whilst recognizing the merits of differentiation in principle, were concerned that the elaboration of such a concept at this stage would not be possible in the limited time available to the AGBM to complete its work.

In conclusion, I would like to thank all those who attended for their participation at this informative round table. This was a very constructive meeting which will serve as a useful springboard for our substantive deliberations.

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